

REMARKS

Claim 26 is currently pending in the present application. In response to the Office Action dated April 11, 2003, applicants have amended claim 26 as shown above. By this amendment, applicants believe they have sufficiently addressed the examiner's concerns, and respectfully solicit the application to issue.

The examiner objected to claim 26 because the bond between the oxygen and phosphorus was a single bond rather than a double bond. Applicants have corrected this typographical error.

The examiner rejected claim 26 under 35 U.S.C. § 102(e) as being anticipated by Narang *et al.* (US 5,830,600). Applicants have amended the claim in response to that rejection.

A prior art reference anticipates a claimed invention only if there is strict identity between the two. Specifically, to anticipate a claim, each and every element as set forth in the claim must be found, either expressly or inherently described, in a prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) (cited at MPEP §2131).

With the aforementioned amendment, the open-ended transition "comprising" has been replaced with the transition "consisting essentially of." A skilled worker, following the teachings of Narang *et al.*, would *necessarily* add the CO<sub>2</sub> generating compounds discussed by Narang *et al.* at col. 11, lines 47 to 60, which the "consisting essentially of" transition would now exclude. Thus, because there no longer is strict identity between the presently claimed invention and the prior art reference, Narang *et al.* do not now anticipate the presently claimed invention.

In view of the foregoing amendment and remarks, applicants consider that the rejections of record have been obviated and respectfully solicit passage of the

application to issue. If the examiner does not agree, then it is respectfully requested that the amendment be entered to put the application in better condition for appeal.

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Respectfully submitted,

Keil & Weinkauff

A handwritten signature in black ink, appearing to read 'H B Keil', written in a cursive style.

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